

# FINAL REPORT

## MILES CITY LOCAL GOVERNMENT STUDY COMMISSION

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LOCAL GOVERNMENT  
SERVICES BUREAU

NOVEMBER 2014 – NOVEMBER 2016

**FINAL REPORT**  
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I. **\*\* A MESSAGE FROM THE MILES CITY STUDY COMMISSION \*\***

Dear Citizens,

The Miles City Local Government Review Study Commission that you elected in November of 2014 has studied our City government carefully and is now unanimous in proposing the attached City Charter to the Voters of Miles City for your consideration.

We unanimously agree that the advantages of adopting a self-government charter include:

- Clarification of the roles, duties and responsibilities of the mayor and council.
- Specific limits on the taxing powers of City government.
- Required public hearings before an increase in City fees
- Self-government powers for the City of Miles City.

After careful consideration we have also concluded that the adoption of a City charter by the Voters poses **no known disadvantages** for the citizens, taxpayers and residents of Miles City.

A comparison of the important characteristics of the existing and proposed plans of government is included on the last page for your considerations.

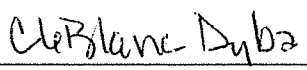
A copy of our complete final report is available at City Hall.

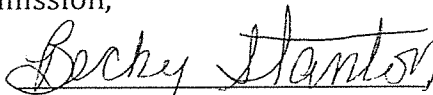
We urge all of Miles City Voters to study the proposed charter included on pages 2-5 and to discuss its provision with your Council Members and with the Mayor. If you have any questions, please don't be reluctant to contact any member of the Miles City Study Commission or any of your City officials,

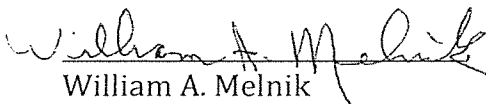
A Public Hearing will be held on **July 25<sup>th</sup>, 6:00PM** at City Hall to address any questions you may have regarding the proposed City Charter.

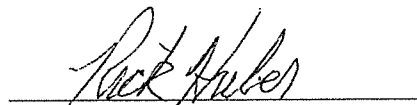
Sincerely,

Miles City Local Government Review Study Commission,

  
Cherie LeBlanc-Dyba

  
Becky Stanton

  
William A. Melnik

  
Rick Huber

## II. REPORT SUMMARY

The Miles City local Government Review Study Commission having thoroughly studied our present form of City government and the alternative forms of government available to the city under state law, and having studied the future needs of the City of Miles City recommends the following:

### A. Findings of the Miles City Local Government Review Study Commission

After almost two years of study it is the decision of the study commission to recommend changes in the power of the city government that will provide governmental framework to meet the changing needs of the City of Miles City.

The voters of Miles City approved by vote to have a local study of the current form of city government. The Miles City Local Government Review Study Commission researched, held meetings within the commission, held public hearings, and listened to voter concern for a change of city government. If the City of Miles City is to play a wider role it must have adequate legal authority to act; it must also have more control over its organizational structure so that it can act effectively and oversee the performance of the City of Miles City's functions.

The charter form of government that is being recommended by the Miles City Local Government Review Study Commission was reviewed with Ken Weaver and Judith Mathre former employees of the MSU Local Government Center to better understand a Charter Form in a writing by both Weaver and Mathre gave of a functional definition of a local government Charter as "*There are two important elements in a local government charter, the structure or form of government and the powers of local government.*" More generally, a charter is the local government equivalent of a state or national constitution, although it is of course subordinate to both. Ideally, a local government charter is a written document approved by the voters within its jurisdiction, which defines the powers, structures, privileges, rights and duties of its local government and sets forth any limitations thereon. In Montana a charter is voter-approved, written plan of government that must include:

- An elected legislative body (which may be called a commission or council) or shall provide for a legislative body comprised of all qualified electors (a town meeting form of government) and the legislative body is the "governing body." The charter must also specify the number of members of the elected governing body, the terms of office, whether elections are to be partisan or nonpartisan, districts or at large, the grounds for removal from elected office and the method for filling any vacancies in elected office.
- An elected or appointed chief-executive (mayor, manager or plural executive); the term of office if an elected chief-executive (mayor) or at the pleasure of the governing body if an appointed chief-executive (manager); the powers and duties of the chief executive and the

grounds for removal from office. Alternatively, the charter may provide for a plural executive drawn from the legislative body, as in the case of the traditional elected commission form of county government.

- The date on which the charter shall take effect.  
(Mathre/Weaver) (Local Government Charters)

The Current form of government for Miles City is: Commission-Executive Government the proposed form is: Commission-Executive (Mayor-Council) in a charter form. You the voter will find that there is little change in comparison to the current form of government.

## **B. Key Provisions of the Proposed Form**

### **1. Clarification of roles, duties and responsibilities of the mayor and council.**

The City of Miles City should adopt effective January 1, 2017 the Commission-Executive (Mayor-Council) Plan of Government Charter of the City of Miles City.

**Form of Government:** Elected council performs policy-making functions. Elected mayor administers government with the advice and consent of the council.

**Powers:** Self-government powers

**Governing Body:** Council and mayor responsible for all legislative, executive and administrative functions. 8 council members elected 4 of whom shall be elected every two years, elected in 4 city wards. Term shall be overlapping terms, presiding officer Mayor.

**Chief Executive and Administrative office:** The elected mayor administers the government on a part time basis. Powers and duties; the mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions. Appointment Powers; the mayor appoints department heads and members of boards and commissions with the consent of the council. Budget Preparation: Mayor prepares the budget in cooperation with the department heads. Budget is then modified and approved by the city council.

### **2. Specific limits on the taxing powers of City government.**

There is no change in the taxing powers of City government.

### **3. Requires public hearings before any increase in City fees.**

The current form and the proposed form require public hearings before an increase in City fees.

### **4. Self-governing powers for the City of Miles City.**

The proposed form would allow self-governing powers to the City.

# CURRENT FORM OF GOVERNMENT

## TITLE 7. LOCAL GOVERNMENT

### CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

#### PART 2. COMMISSION-EXECUTIVE GOVERNMENT

##### **7-3-113. Statutory basis for municipal council-mayor government.**

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

**7-3-201. Commission-executive form.** The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

**7-3-202. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing: **(1) general powers.**

**7-3-203. Duties of executive.** The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;

**Section 6.03 Vacancy in Office**

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

**Section 6.04 Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE VII TRANSITION PROVISIONS**

**Section 7.01 General Transition**

Transition to this charter form of government shall be as prescribed by state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after January 2, 2017.

**Section 7.02 City Employees**

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

**Section 7.03 Review of Existing Ordinances**

All city ordinances, resolutions and rules of the City of Miles City shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide compliance and consistency with this Charter and state law no later than January 2, 2019.

- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in the discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without consent of the commission temporary advisory committees established by the executive.

**7-3-204 through 7-3-210 reserved**

**7-3-211. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

**7-3-212. Administrative assistants.** The executive may:

**(City has chosen #2)**

- (2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.

**7-3-213. Supervision of personnel.** The executive may:

**(City has chosen #3)**

- (3) appoint, with consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

**7-3-214. Veto power.** The executive may:

**(City has chosen #2)**

- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

**7-3-215. Preparation of budget.** The executive may:

**(City has chosen #2)**

- (2) prepare the budget in consultation with the commission and department heads

**7-3-216. Administrative supervision and control.** The executive may:

**(City has chosen #2)**

- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.



**7-3-217. Financial officer.** A financial officer (who may be called the treasurer)  
(City has chosen #1)  
(1) shall be elected.

**7-3-218. Selection of commission members.** The commission shall be:  
(City has chosen #2)  
(2) elected by districts in which candidates must reside and which are apportioned by population.

**7-3-219. Type of election.** Local government shall be conducted on a:  
(City has chosen #2)  
(2) non-partisan basis.

**7-3-220. Presiding officer of commission.** The commission must have a presiding officer who must be.  
(City has chosen #1)  
(1) elected by the members of the commission from their own number for a term established by ordinance.

**7-3-221. Presiding officer of commission.** The presiding officer of the commission:  
(City has chosen #3)  
(3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent).

**7-3-222. Terms of commission members.** Commission members shall be elected for:  
(City has chosen #2)  
(3) overlapping terms of office.

**7-3-223. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:  
(City has chosen #2)  
(2) community councils to advise commission members may be authorized by ordinance.

**7-3-224. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

# COMMISSION-EXECUTIVE (MAYOR-COUNCIL) FORM

## CHARTER OF THE CITY OF MILES CITY

### PREAMBLE

WE, THE PEOPLE OF MILES CITY, COUNTY OF CUSTER, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

### ARTICLE 1 POWERS OF THE CITY

#### Section 1.01 Powers of the City of Miles City

The City of Miles City shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

#### Section 1.02 Interpretation of Powers

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

#### Section 1.03 Restrictions

Any changes to the adopted charter would go to the voters to be approved or disapproved.

#### Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

#### Section 1.05 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

### ARTICLE II LEGISLATIVE BRANCH

#### Section 2.01 Council

The legislative branch and governing body shall consist of the city council.

#### Section 2.02 Composition

The City of Miles City shall have a city council of eight (8) members, four (4) of whom shall be elected every two years.

**Section 2.03 Powers and Duties**

The council shall be the legislative and policy determining body of the City. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the council.

**Section 2.04 Term of Office**

Members of the council shall be elected for four (4) years, overlapping terms of office.

**Section 2.05 Election**

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected by ward, with two council members with overlapping terms being elected from each of the four (4) wards.

**Section 2.06 President of the Council**

The council shall have a president who shall be elected by the members of the council from their own number for a term established by resolution. The president of the council shall preside when the mayor is absent.

## **ARTICLE III EXECUTIVE**

**Section 3.01 Mayor**

The mayor shall be the chief executive officer of the city

**Section 3.02 Term of Office**

The mayor shall be elected for a four (4) year term of office.

**Section 3.03 Election**

The mayor shall be nominated and elected at large on a nonpartisan basis.

**Section 3.04 Powers and Duties**

The mayor shall:

1. Enforce laws, ordinances, and resolutions;
2. Perform duties required by law, ordinance or resolution;
3. Administer affairs of the local government;
4. Carry out policies established by the council;
5. Recommend measures to the council;
6. Report to the council on the affairs and financial condition of the local government;
7. Execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. Report to the council as the council may require;
9. Chair council meetings and may take part in discussion;
10. Execute the budget adopted by the council;

11. Appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

#### **Section 3.05 Administrative Duties**

The mayor may:

1. Prepare the budget in consultation with the council and department heads;
2. Appoint one or more administrative assistants to assist in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. Appoint, with the consent of the majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. Exercise control and supervision of all departments and boards to the degree authorized by ordinance of the council.

#### **Section 3.06 Legislative Authority**

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the council.

#### **Section 3.07 Compensation**

The compensation of the mayor shall be set by ordinance.

### **ARTICLE IV JUDICIAL**

#### **Section 4.04 City Court**

There shall be a city court and a city judge as provided by law.

### **ARTICLE V DEPARTMENT STRUCTURE**

#### **Section 5.01 Organization of Departments**

The organization of city departments shall be prescribed by ordinance.

### **ARTICLE VI GENERAL PROVISIONS**

#### **Section 6.01 Amendment of Charter**

This Charter may be amended only as prescribed by state law.

#### **Section 6.02 Effective Date**

This charter shall become effective January 2, 2017.

**Section 6.03 Vacancy in Office**

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

**Section 6.04 Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE VII TRANSITION PROVISIONS**

**Section 7.01 General Transition**

Transition to this charter form of government shall be as prescribed by state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after January 2, 2017.

**Section 7.02 City Employees**

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

**Section 7.03 Review of Existing Ordinances**

All city ordinances, resolutions and rules of the City of Miles City shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide compliance and consistency with this Charter and state law no later than January 2, 2019.

# CITY OF MILES CITY

## COMPARISON OF SPECIFIC CHARACTERISTICS OF COUNCIL-MAYOR PLAN OF GOVERNMENT WITH THE CHARTER FORM OF THE COUNCIL-MAYOR PLAN OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
<b>FORM OF GOVERNMENT</b>	<b>MAYOR-COUNCIL</b> Elected council performs policy-making functions. Elected mayor administers government with the advice and consent of the council	<b>CHARTER</b> Elected council performs policy-making functions. Elected mayor administers government with the advice and consent of council	No change in the plan of government, but the charter clarifies the governing roles of the mayor and council
<b>POWERS</b>	General Government Powers	Self-Government Powers	The Charter limits the town's taxing authority to the general powers government and requires public hearings be held for any increase in fees and utility rates. Self government powers provide a great flexibility to city government.
<b>GOVERNING BODY</b>	Council and mayor responsible for all legislative, executive and administrative functions	Council and mayor responsible for all legislative, executive and administrative functions.	No Change
<b>Size</b>	8 Council members elected from districts in non-partisan elections.	8 Council members elected from districts in non-partisan elections	No Change
<b>Term</b>	Four year overlapping terms	Four year overlapping terms	No Change
<b>Presiding Officer</b>	Mayor	Mayor	No Change
<b>CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER</b>	The elected mayor administers the government on a part time basis.	The elected mayor administers the government on a part time basis.	No Change
<b>Powers and Duties</b>	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No Change
<b>Appointment Powers</b>	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No Change
<b>Budget Preparations</b>	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council	No Change

# APPENDIX

## CERTIFICATE A

### ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR THE CITY OF MILES CITY

If retained by the voters, the government of the City of Miles City shall be organized under the following provisions of 7-3-113, MCA which authorizes the elected city official form of government.

#### **7-3-113. Statutory basis for municipal council-mayor government.**

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

**7-3-201. Commission-executive form.** The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

**7-3-202. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing: **(1) general powers.**

**7-3-203. Duties of executive.** The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in the discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without consent of the commission temporary advisory committees established by the executive.

**7-3-204 through 7-3-210 reserved**

**7-3-211. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

**7-3-212. Administrative assistants.** The executive may:

**(City has chosen #2)**

- (2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.

**7-3-213. Supervision of personnel.** The executive may:

**(City has chosen #3)**

- (3) appoint, with consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

**7-3-214. Veto power.** The executive may:

**(City has chosen #2)**

- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.



**7-3-215. Preparation of budget.** The executive may:

**(City has chosen #2)**

- (2) prepare the budget in consultation with the commission and department heads

**7-3-216. Administrative supervision and control.** The executive may:

**(City has chosen #2)**

- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

**7-3-217. Financial officer.** A financial officer (who may be called the treasurer)

**(City has chosen #1)**

- (1) shall be elected.

**7-3-218. Selection of commission members.** The commission shall be:

**(City has chosen #2)**

- (2) elected by districts in which candidates must reside and which are apportioned by population.

**7-3-219. Type of election.** Local government shall be conducted on a:

**(City has chosen #2)**

- (2) non-partisan basis.

**7-3-220. Presiding officer of commission.** The commission must have a presiding officer who must be.

**(City has chosen #1)**

- (1) elected by the members of the commission from their own number for a term established by ordinance.

**7-3-221. Presiding officer of commission.** The presiding officer of the commission:

**(City has chosen #3)**

- (3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent).

**7-3-222. Terms of commission members.** Commission members shall be elected for:

**(City has chosen #2)**

- (2) overlapping terms of office.

**7-3-223. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

**(City has chosen #2)**

- (2) community councils to advise commission members may be authorized by ordinance.

**7-3-224. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

## **CERTIFICATE B**

### **ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR THE CITY OF MILES CITY**

Upon approval of the majority of voters, the government of the City of Miles City shall be organized under the following provisions under Article XI, Section 5 of the Constitution of Montana.

### **COMMISSION-EXECUTIVE (MAYOR-COUNCIL) FORM**

### **CHARTER OF THE CITY OF MILES CITY**

#### **PREAMBLE**

**WE, THE PEOPLE OF MILES CITY, COUNTY OF CUSTER, STATE OF MONTANA,** in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

#### **ARTICLE 1**

#### **POWERS OF THE CITY**

##### **Section 1.01 Powers of the City of Miles City**

The City of Miles City shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

##### **Section 1.02 Interpretation of Powers**

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

### **Section 1.03 Restrictions**

Any changes to the adopted charter, would go to the voters to be approved or disapproved.

### **Section 1.04 Charter Supremacy**

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

### **Section 1.05 Oath of Office**

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

## **ARTICLE II LEGISLATIVE BRANCH**

### **Section 2.01 Council**

The legislative branch and governing body shall consist of the city council.

### **Section 2.02 Composition**

The City of Miles City shall have a city council of eight (8) members, four (4) of whom shall be elected every two years.

### **Section 2.03 Powers and Duties**

The council shall be the legislative and policy determining body of the City. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the council.

### **Section 2.04 Term of Office**

Members of the council shall be elected for four (4) years, overlapping terms of office.

### **Section 2.05 Election**

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected by ward, with two council members with overlapping terms being elected from each of the four (4) wards.

### **Section 2.06 President of the Council**

The council shall have a president who shall be elected by the members of the council from their own number for a term established by resolution. The president of the council shall preside when the mayor is absent.

## **ARTICLE III**

## **EXECUTIVE**

### **Section 3.01 Mayor**

The mayor shall be the chief executive officer of the city

### **Section 3.02 Term of Office**

The mayor shall be elected for a four (4) year term of office.

### **Section 3.03 Election**

The mayor shall be nominated and elected at large on a nonpartisan basis.

### **Section 3.04 Powers and Duties**

The mayor shall:

1. Enforce laws, ordinances, and resolutions;
2. Perform duties required of him by law, ordinance or resolution;
3. Administer affairs of the local government;
4. Carry out policies established by the council;
5. Recommend measures to the council;
6. Report to the council on the affairs and financial condition of the local government;
7. Execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. Report to the council as the council may require;
9. Chair council meetings and may take part in discussion;

10. Execute the budget adopted by the council;
11. Appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

### **Section 3.05 Administrative Duties**

The mayor may:

1. Prepare the budget in consultation with the council and department head;
2. Appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. Appoint, with the consent of the majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. Exercise control and supervision of all departments and boards to the degree authorized by ordinance of the council.

### **Section 3.06 Legislative Authority**

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the council.

### **Section 3.07 Compensation**

The compensation of the mayor shall be set by ordinance.

## **ARTICLE IV**

### **JUDICIAL**

#### **Section 4.04 City Court**

There shall be a city court and a city judge as provided by law.

## **ARTICLE V**

### **DEPARTMENT STRUCTURE**

#### **Section 5.01 Organization of Departments**

The organization of city departments shall be prescribed by ordinance.

## **ARTICLE VI**

### **GENERAL PROVISIONS**

#### **Section 6.01 Amendment of Charter**

This Charter may be amended only as prescribed by state law.

#### **Section 6.02 Effective Date**

This charter shall become effective January 2, 2017.

#### **Section 6.03 Vacancy in Office**

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

#### **Section 6.04 Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE VII**

### **TRANSITION PROVISIONS**

#### **Section 7.01 General Transition**

Transition to this charter form of government shall be as prescribed by state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after January 2, 2017.

#### **Section 7.02 City Employees**

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

#### **Section 7.03 Review of Existing Ordinances**

All city ordinances, resolutions and rules of the City of Miles City shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide compliance and consistency with this Charter and state law no later than January 2, 2019.

CERTIFICATE C

ESTABLISHING THE DATE OF THE GENERAL ELECTION AT WHICH THE  
CHARTER FORM OF GOVERNMENT SHALL BE PRESENTED TO THE  
ELECTORS OF THE CITY OF MILES CITY

The amended plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Miles City at the general election to be held on November 8, 2016.

We, the Study Commissioners of the City of Miles City, do hereby certify that this is the date of the general election approved by the Study Commissioners of the City of Miles City.

In testimony whereof, we set our hands.

Done at the City Hall of the City of Miles City this 18<sup>th</sup> day of July 2016

Cherie LeBlanc Dyba

Cherie LeBlanc Dyba

Rick Huber

Rick Huber

William Melnik

William Melnik

Rebecca Stanton

Rebecca Stanton

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST:

Lorrie Pearce

LORRIE PEARCE  
CITY CLERK, CITY OF MILES CITY



CERTIFICATE D

ESTABLISHING THE OFFICIAL BALLOT FOR  
THE NOVEMBER 8, 2016 GENERAL ELECTION

*Instructions to voters: Place an "X" in the box which expresses your preference.*

OFFICIAL BALLOT

BALLOT ON THE CHANGE OF THE FORM OF GOVERNMENT FOR THE CITY  
OF MILES CITY

*Vote for one*

- ☐ **FOR** adoption of the charter form of government for the City of Miles City.
- ☐ **AGAINST** adoption of the charter form of government for the City of Miles City.

We, the Study Commissioners of the City of Miles City, do hereby certify that this is the official ballot approved by the Study Commissioners of the City of Miles City.

In testimony whereof, we set our hands.

Done at the City Hall of the City of Miles City this 18 day of July 2016

Cherie LeBlanc Dyba

Cherie LeBlanc Dyba

Rick Huber

Rick Huber

William Melnik

William Melnik

Rebecca Stanton

Rebecca Stanton

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST:

Lorrie Pearce  
LORRIE PEARCE  
CITY CLERK, CITY OF MILES CITY

CERTIFICATE E

ESTABLISHING THE DATE OF NEW GOVERNMENT FORM IF PROPOSAL IS  
ADOPTED, AND ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSAL IF  
APPROVED.

The establishing date and effective date of the charter form of government, if approved by  
the majority of voters, will be January 2, 2017.

In testimony whereof, we set our hands.

Done at the city hall of the City of Miles City this 18<sup>th</sup> day of July 2016

Cherie LeBlanc Dyba

Cherie LeBlanc Dyba

Rick Huber

Rick Huber

William Melnik

William Melnik

Rebecca Stanton

Rebecca Stanton

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST:

Lorrie Pearce

LORRIE PEARCE  
CITY CLERK, CITY OF MILES CITY